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PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

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September 24, 1997

RM-9181

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

RE: Petition to Amend the FM Table of Allotments
Satellite Beach, Florida
Satellite Beach Community Broadcasters, Petitioner


Dear Mr. Caton:

Transmitted herewith, on behalf of Satellite Beach Community Broadcasters, through counsel, is an original and six (6) copies of a "Petition to Amend the FM Table of Allotments" (47 C.F.R. 73.202(b)).

Satellite Beach Community Broadcasters requests Commission consideration regarding the addition of a new, first local broadcast service at Satellite Beach, Florida.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,


Richard J. Hayes, Jr.,
Counsel to
Satellite Beach Community Broadcasters

RJH:tb
Enclosures

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SEP 25 1997

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
SATELLITE BEACH, FLORIDA**

**BC DOCKET NO: _____
RM NO: 9181 _____**

TO: CHIEF, ALLOCATIONS BRANCH

PETITION FOR RULE MAKING

COMES NOW, Satellite Beach Community Broadcasters, through counsel, and pursuant to the provisions of Section 1.401 of the Commission's Rules (47 C.F.R.1.401) requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Satellite Beach Community Broadcasters hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to include a new, first local broadcast service at Satellite Beach, Florida on Channel 253A. Satellite Beach Community Broadcasters requests that the FM Table of Allotments be amended as follows:

Location	Present	Proposed
Satellite Beach, Florida	-----	253A

**SATELLITE BEACH COMMUNITY BROADCASTERS
PETITION FOR RULE MAKING
PAGE TWO**

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

1. PRELIMINARY STATEMENT

A. FIRST, LOCAL BROADCAST SERVICE

The purpose of this request is to provide a much needed, first, local broadcast service to the community of Satellite Beach, Florida. At present, Satellite Beach, Florida does not enjoy the service of either an AM or FM facility within its community. The Petitioner proposes that the Commission amend the FM Table of Allotments to allot Channel 253A to Satellite Beach, Florida as that community's first, local broadcast service. Satellite Beach is a continuously growing community with a progressive business attitude. Satellite Beach has a current population of 9,163 persons. The proposed FM facility will serve all of the citizens of Satellite Beach and will encompass an area of 2,474.5 square kilometers. The total number of persons served by the facility will be 296,116. Clearly, this proposed facility will provide first local service to a substantial population and will further the Commission's goal of diversity of expression in the marketplace.

Satellite Beach was first chartered a municipality in 1957. It has a Council/Manager form of government. Under this form of government, the City Council, elected by the citizens, is the legislative power of the city and determines all matters of policy. Satellite Beach is governed by a 5-member council elected at large on a non-partisan basis. Two council members are elected in one year and the mayor and other two council members are elected the following year. Council members serve three-year terms and are limited to serving three consecutive terms. Under its charter, the Satellite Beach City Council appoints the city manager. The city manager is responsible for administering all operations of the city.

Satellite Beach has its own City Hall, Building and Zoning Department, Fire Department, Police Department, Public Works Department, Recreation Department, and its own Library. There are over four thousand six hundred homes in the community of Satellite Beach and is recognized as a "City " in the state of Florida. For allocation purposes, Satellite Beach is a bona fide community.

**SATELLITE BEACH COMMUNITY BROADCASTERS
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PAGE THREE**

A. EFFICIENT USE OF SPECTRUM

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing a first, local FM broadcast service at Satellite Beach, Florida. The Amendment of Section 73.202(b) of the Commission's Rules to include Channel 253A at Satellite Beach, Florida, would provide coverage to a substantial area and population. Certainly, the citizens of Satellite Beach and, additionally, those citizens in the predicted 1.0 mV/m contour of the proposed facility, would benefit from a first, full time, local FM broadcast service. No other person or community has expressed any interest in this channel at Satellite Beach, Florida.

II. ENGINEERING CONSIDERATIONS

A. Substantial Area to Receive Additional Service

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that Channel 253A would provide city-grade coverage to Satellite Beach, Florida. Channel 253A could be allotted, consistent with the mileage separation and city-grade service requirements of the Commission's Rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 253A can be added to the FM Table of Allotments at Satellite Beach, Florida without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted. Finally, the allotment of Channel 253A at Satellite Beach, Florida results in first, local broadcast service.

III. PETITIONER'S INTENTION TO APPLY FOR CHANNEL 253A

If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the Rules of the Commission, to file an application for a construction permit, and if awarded the permit, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

**SATELLITE BEACH COMMUNITY BROADCASTERS
PETITION FOR RULE MAKING
PAGE FOUR**

IV. SUMMARY

No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and, furthermore, a substantial new area of service will be added. As indicated above, a grant of this "Petition" will provide a much needed, first, local, FM broadcast service to Satellite Beach, Florida. This "Petition" would, if granted, provide for an efficient utilization of both Commission and spectrum resources.

THEREFORE, in view of the foregoing facts, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to allot FM Channel 253A to Satellite Beach, Florida.

Respectfully submitted,

SATELLITE BEACH COMMUNITY BROADCASTERS

By: _____

Richard J. Hayes, Jr.
Its Attorney

Richard J. Hayes, Jr.
Attorney at Law
13809 Black Meadow Road
Spotsylvania, Virginia 22553

540-972-2690

Date: September 24, 1997

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS)
FM BROADCAST STATIONS
SATELLITE BEACH, FLORIDA**

BC DOCKET NO: _____

RM NO: 9181

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the Petition for Rule Making submitted by Satellite Beach Community Broadcasters requesting the allotment of Channel 253A to Satellite Beach, Florida.
2. Channel 253A can be allotted to Satellite Beach, Florida in compliance with the Commission's minimum distance separation requirements as evidenced in the attached engineering statement. Petitioner states that the public interest would benefit from the allotment of this channel as it would provide Satellite Beach with its first, local FM broadcast service.
3. In order to effectuate this proposal, the Commission proposes to amend the Table of Allotments, Section 73.202(b) of the Commission's Rules with respect to the following community:

	Present	Proposed
Satellite Beach, Florida	-----	253A

4. The Commission's authority to institute rule making proceedings, showings required, cutoff procedures, and filing guidelines are incorporated by reference, herein. NOTE: A showing of continuing interest is required by Paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before , and reply comments on or before, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the Petitioner, as follows:

Notice of Proposed Rule Making
Page Two

Richard J. Hayes, Jr., Esquire
13809 Black Meadow Road
Spotsylvania, VA 22553
Counsel to Satellite Beach Community Broadcasters

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b), of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact the Mass Media Bureau (202) 418-2710. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau



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**ENGINEERING STATEMENT ON BEHALF OF
SATELLITE BEACH COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
SATELLITE BEACH, FLORIDA**

September 9, 1997

**ENGINEERING STATEMENT ON BEHALF OF
SATELLITE BEACH COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
SATELLITE BEACH, FLORIDA**

Owl Engineering, Inc. has been retained by Satellite Beach Community Broadcasters to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Satellite Beach, Florida	None	253 A

The reference coordinates for Satellite Beach used in this study are:

**28° 10' 33" North Latitude
80° 35' 25" West Longitude**

These coordinates are based on the reference coordinates for the transmitter location needed to provide coverage to the community of Satellite Beach, Florida. No site restriction is required. The community of Satellite Beach has a population of 9,163 persons based on 1990 US Census data.

An engineering study was performed to determine compliance with FCC Rule Section 73.207 regarding the Commission's minimum mileage spacing requirements. Included as Engineering Exhibit E-1 is a channel allocation study based on the reference coordinates listed above. As can be seen from this exhibit, Satellite Beach Community Broadcasters's proposal is in complete conformance with FCC Rule Section 73.207. There is an area to

**ENGINEERING STATEMENT ON BEHALF OF
SATELLITE BEACH COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
SATELLITE BEACH, FLORIDA**

locate a transmitter site that will satisfy these minimum mileage spacing requirements and FAA obstruction concerns.

Inspection of Engineering Exhibit E-1 also reveals that the nearest possible conflict is with a construction permit issued to WKGR in Fort Pierce, Florida on channel 254. The required mileage separation to WKGR clears the community of Satellite Beach, Florida by 0.78 kilometers.

Further analysis was performed to determine compliance with FCC Rule Section 73.315 regarding City Grade (70 dBu) service to the community of Satellite Beach. The effective antenna height for each of the eight standard 45-degree spaced radials, along with the radial through the principal community was used in conjunction with the F(50,50) metric curves of Figure 1 of Section 73.333 of the Rules was used to determine the distances to the 70 dBu coverage contour, as required by the Rules. This analysis shows that all of Satellite Beach will receive a signal in excess of 70 dBu, there meeting the coverage requirements of the Rules.

An engineering study was performed to determine the number of persons predicted to be served by a Class A facility located at the reference coordinates. The 60 dBu contour was calculated for a maximized Class A facility and it was determined that a total of 296,116 persons are encompassed in the 60 dBu signal coverage area.

**ENGINEERING STATEMENT ON BEHALF OF
SATELLITE BEACH COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
SATELLITE BEACH, FLORIDA**

Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Satellite Beach, Florida with a first local full time broadcast service.
2. The proposal meets the requirements of FCC Rule Section 73.315.
3. The proposal meets the requirements of FCC Rule Section 73.207.
4. Based on 1990 US Census data, 296,116 persons will be served by a signal of 60 dBu or greater with a transmitter located at the reference coordinates.

**ENGINEERING STATEMENT ON BEHALF OF
SATELLITE BEACH COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
SATELLITE BEACH, FLORIDA**

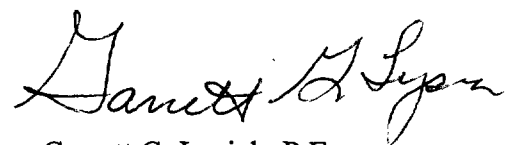
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RAMSEY COUNTY)
)
STATE OF MINNESOTA)

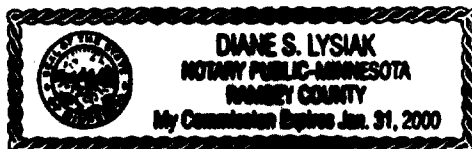
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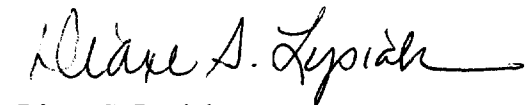
Garrett G. Lysiak, being first duly sworn, says that he is an employee of Owl Engineering, Inc., consulting communications engineers with offices in Blaine, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.




Garrett G. Lysiak, P.E.

Subscribed and sworn to before me this date September 9, 1997.




Diane S. Lysiak
Notary Public

My commission expires January 31, 2000

**ENGINEERING STATEMENT ON BEHALF OF
Satellite Beach Community Broadcasters
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
Satellite Beach, Florida**

ENGINEERING EXHIBIT E-1

CHANNEL ALLOCATION STUDY

FM Channel 253-A (98.5 MHz) 6,000 Watt Separation Table

LATITUDE: 28 10' 33" LONGITUDE: 80 35' 25"

CHNL	Call Status	City Owner	Class	Calculated Km.	Required Km.	Clear- ance	Bearing degrees
250	NO CONFLICT						
251	WGNEFM LIC	FMFL Titusville Multi-Market Radio,	C1	215 79.14	75	4.14	340.50
252		FAFL Arcadia	C2	140.97	106	34.97	236.94
252	USED		27 28' 45"	81 47' 15"			
252	WWRZ LIC	FMFL Arcadia Hall Communications,	C2	141.92	106	35.92	237.22
252	WWRZ DEL	FRFL Arcadia Hall Communications,	C2	141.92	106	35.92*	237.22
252	WWRZ ADD	FRFL Fort Meade Hall Communications,	C2	131.63	106	25.63*	246.34
253		FAFL Crystal River	C	227.44	226	1.44	302.46
253	USED		29 15' 32"	82 34' 3"			
253	WTKK LIC	FMFL Crystal River ECI License Company,	C	227.44	226	1.44	302.46
253	WTKK CP	FMFL Crystal River ECI License Company,	C1	236.93	200	36.93	301.86
		CP expires 980119	29 17' 3"	82 39' 51"		BPH940928IG	
254	WKGR CP	FMFL Fort Pierce Amaturo Group, Ltd.	C1	133.78	133	0.78	162.31
		CP expires 970209	27 1' 32"	80 10' 43"		BPH9505121A	
255		FAFL Orlando	C2	91.74	55	36.74	297.19
255	USED		28 33' 0"	81 25' 30"			
255	WMMO LIC	FMFL Orlando Infinity Holdings Co	C2	215 87.25	55	32.25	297.84
256	NO CONFLICT						

The nearest Monitoring Station is at Fort Lauderdale Florida
at a distance of 231.8 Kilometers and a bearing of 172.3 Degrees